

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
UNITED STATES OF AMERICA

- v. -

EVGENY BURYAKOV,  
a/k/a "Zhenya,"

Defendant.  
----- x

15 Cr. 73 (RMB)

USDC SDNY
DOCUMENT
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DATE FILED: 3/23/2015

**PROTECTIVE ORDER**  
**PERTAINING TO UNCLASSIFIED INFORMATION**

UPON application of the Government, and with consent of the defense:

WHEREAS, the defendant, Evgeny Buryakov, a/k/a "Zhenya," has been charged in an indictment with acting as an unregistered agent of a foreign government and conspiring to do the same, violation of Title 18, United States Code, Sections 371, 951, and 2;

WHEREAS, the defendant has certain rights under the United States Constitution, federal statutes, and the Federal Rules of Criminal Procedure, to pre-trial discovery;

WHEREAS, the Government recognizes its obligation to provide such discovery materials to the defendant, consistent with national security concerns and the confidentiality of ongoing investigations;

WHEREAS, the discovery materials that the Government intends to provide to the defendant contains certain materials that, if disseminated to third parties, could, among other things, implicate national security concerns and impede ongoing investigations;

IT IS HEREBY ORDERED, pursuant to Federal Rule of Criminal Procedure 16(d), that discovery materials provided by the Government to defense counsel of record shall not be further disseminated by the defendant or his counsel to any individuals, organizations or other entities;

other than members of the defense team (limited to: co-counsel, paralegals, investigators, translators, litigation support personnel, secretarial staff, and the defendant);

IT IS FURTHER ORDERED that each of the individuals to whom disclosure of discovery materials is made shall be provided a copy of this Protective Order by defense counsel of record and will be advised by defense counsel of record that he or she shall not further disseminate or discuss the materials and must follow the terms of this Protective Order;

IT IS FURTHER ORDERED that the defendant shall only be permitted to possess printed hard copies of the discovery materials bearing the discovery markings "-DEF." The defendant shall not possess any other discovery materials and shall only access discovery materials that do not bear the discovery markings "-DEF" either (i) in the presence of defense counsel of record or any paralegals or investigators designated by defense counsel of record, or (ii) outside the presence of the defense team via an electronic copy of the discovery materials stored at the correctional facility at which the defendant is held;

IT IS FURTHER ORDERED that the discovery materials may not be provided to any foreign persons or entities and may not be transmitted outside of the United States for any purpose;

IT IS FURTHER ORDERED that counsel of record for the defendant may seek authorization of the Court, with notice to the Government, to show (but not provide copies of) such discovery materials to persons not described in the preceding paragraphs, if it is determined that it is necessary to do so for the purpose of preparing the defense of the case;

IT IS FURTHER ORDERED that all such discovery materials are to be provided to the defense, and used by the defense, solely for the purpose of allowing the defendant to prepare his defense to the charges in the Indictment, and that none of the discovery materials produced by

the Government to the defense shall be disseminated to any other third party not described in the preceding paragraphs;

IT IS FURTHER ORDERED that at the conclusion of this case, defense counsel of record shall return to the Government all copies of the discovery materials provided in this case;

IT IS FURTHER ORDERED that nothing in this Order shall preclude the Government from seeking a further Protective Order pursuant to Section 3 of the Classified Information Procedures Act, 18 U.S.C. App. 3 § 3, to protect against disclosure in this case of any classified information disclosed by the Government;

IT IS FURTHER ORDERED that nothing in this Order prohibits the media from requesting copies of any items that are received by the Court as public exhibits at a hearing, trial, or other proceeding; and

FINALLY, IT IS ORDERED that nothing in this Order shall preclude the Government from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material.

Dated: New York, New York  
March \_\_, 2015

AGREED AND CONSENTED TO:

Bern:  
Maria Barton, Esq.  
Benjamin Naftalis, Esq.  
Attorneys for the Defendant

SO ORDERED:

RMBS  
Honorable Richard M. Berman  
United States District Judge

Adam Fee  
Assistant US Attorney

March 13, 2015  
Date

March 23, 2015  
Date

March 23, 2015  
Date